

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6340**

**BILL NUMBER:** SB 345

**NOTE PREPARED:** Feb 21, 2013

**BILL AMENDED:** Feb 21, 2013

**SUBJECT:** Use of Restraints and Seclusion in Schools.

**FIRST AUTHOR:** Sen. Head

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill establishes a Commission on Seclusion and Restraint in schools to: (1) recommend to the State Board of Education rules concerning the use of seclusion and restraint in schools; (2) develop a model restraint and seclusion plan; (3) approve or disapprove school corporation restraint and seclusion plans; and (4) review incident reports of restraint and seclusion submitted annually by school corporations. It requires a school corporation to have in place an approved restraint and seclusion plan or to have adopted the model plan for the 2014-2015 school year.

**Effective Date:** (Amended) Upon passage.

**Explanation of State Expenditures:** (Revised) *Department of Education (DOE):* The DOE has to provide administrative support for the Commission on Seclusion and Restraint in Schools. The DOE should be able to accomplish this within existing resources.

(Revised) *Commission on Seclusion and Restraint in Schools:* The total cost of supporting the commission is unknown at this time. The commission is required to meet at least annually from 2013 to 2015 (i.e., a minimum of two times) and may meet as often as is necessary during this period. Each member of the commission, who is not a state employee, is entitled to per diem (\$75.00 a day), traveling expenses (\$0.55 per mile), and other expenses actually incurred in connection with the member's duties.

The commission would consist of seven members: six lay members and the designee of the State Superintendent, who will serve as chairperson. The commission has to develop a model restraint and seclusion plan for schools before August 1, 2013. As part of the plan, it would have to approve at least one training method regarding the use of seclusion and restraint that is without cost to schools. The commission is to review

and approve the model restraint and seclusion plans submitted by school corporations. The plans are to be submitted before January 1, 2014.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) *Model Restraint and Seclusion Plan*: School corporations have to submit their model restraint and seclusion plan to the commission for approval before January 1, 2014, and implement the approved plan not later than July 1, 2014. A school corporation may adopt the commission's plan instead of designing its own.

School corporations should be able to develop a model restraint and seclusion plan within existing resources. However, there may be some costs involved in implementing certain elements of the plan.

**Explanation of Local Revenues:**

**State Agencies Affected:** Department of Education

**Local Agencies Affected:** School corporations; Charter schools.

**Information Sources:**

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